

KENTUCKY DEMOCRATIC PARTY

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June 5, 2007

Honorable Sarah Jackson
Executive Director
Kentucky Registry of Election Finance
140 Walnut Street
Frankfort, KY 40601

Re: Request for Advisory Opinion

Dear Ms. Jackson:

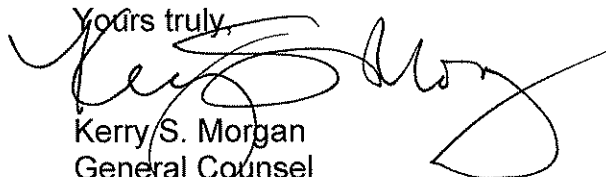
This request is made pursuant to KRS 121.135, seeking guidance on behalf of the Kentucky Democratic Party, its nominees for statewide office in the general election to be held November 6, 2007, and all employees, agents, volunteers, consultants and other persons acting on behalf of either the party or its individual statewide nominees.

The Registry issued Advisory Opinion 2003-003 setting forth the Registry's position under the law as it existed at that time. Since then the General Assembly has repealed Public Financing in its entirety and made several other changes to the Kentucky's campaign finance law. Because of these changes we request the Registry revisit its opinions as expressed in 2003-003.

For purposes of this request the term "statewide nominee" includes the Democratic slate of candidates for Governor and Lieutenant Governor, Attorney General, Treasurer, Auditor of Public Accounts, and Commissioner of Agriculture.

1. Is there a limit on what the Kentucky Democratic Party can give to its statewide nominees, including the slate for Governor and Lieutenant Governor, so long as the contributions are properly reported?
2. May a statewide nominee accept, in the aggregate from executive committees of any county, district, state, or federal political party, an amount in excess of fifty percent (50%) of the total contributions accepted by the candidate?
3. May a statewide nominee's campaign use without charge office space and equipment (*i.e.*, telephone, copier, fax, printer, postage machine) paid for by the political party? If so, should such use be reported as an in-kind contribution based on fair market value?
4. May a statewide nominee's campaign and a political party share a consultant for fundraising purposes? May the political party pay 100% of the expenses of the fundraising event, including the consultant's fees, so long as the costs are appropriately allocated and reported as in-kind contributions to the statewide nominee?
5. Under what circumstances may a political party or statewide nominee share polling data with other statewide nominees or the political party?
6. May a political party produce and distribute, at its expense, bumper stickers or other advertising advocating for any or each of its statewide nominees. How must this be reported? If the production and distribution occurs without a request from the candidate, is there a difference in the reporting requirements?
7. Under what circumstances may a statewide nominee's campaign communicate with a political party?
8. Excluding the issues addressed in this request, does the other advice offered in Advisory Opinion 2003-003 remain valid?

We look forward to receiving your legal opinion regarding the above questions. If you need further information from me, please do not hesitate to contact me.

Yours truly,

Kerry S. Morgan
General Counsel
Kentucky Democratic Party